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STATE FOR G/TIP AND EAP/MTS

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SUBJECT: PROSECUTING TIP OFFENDERS

REF: A. MANILA 1043
- B. MANILA 688

¶1. Summary. Philippine authorities are increasingly focused on labor trafficking as well as trafficking for purposes as for prostitution and are relying on a variety of legislation to bring the culprits to justice. The cumbersome nature of the overburdened Philippine legal system, notably the slowness of trials and the paucity of judges and prosecutors, remains the biggest brake on the number of successful convictions in TIP cases. USAID's Rule of Law Effectiveness Program is working on systemic improvements in this domain, but clear results will take time to appear. End Summary.

¶2. Philippine authorities, with the help of some NGOs including the U.S.-based International Justice Mission (IJM) with assistance from the U.S. Government, are actively pursuing numerous prosecutions related to trafficking, using a variety of legal tools. Key items of legislation include:

- Republic Act 9231: "Elimination of Worst Forms of Child Labor Act"
- Republic Act 9208: "The Anti-Trafficking in Persons Act"
- Republic Act 8239: "Philippine Passport Act of 1996"
- Republic Act 8042: "Migrant Workers and Overseas Filipinos Act" aka the "Anti-Illegal Recruitment Law"
- Republic Act 7610: "Anti-Child Labor Act"

¶3. Based on admittedly incomplete statistics collected by the Philippine Department of Justice from its local and field offices, there have been at least 269 trafficking cases since 2003, resulting in a total of nine convictions (actually ten, counting the March 29 conviction - ref a - not yet included in the latest DOJ update). Four out of these nine convictions resulted in life sentences. At present, at least 117 trials are underway using any or several of the above-mentioned pieces of legislation. At least another 122 cases are in the preliminary investigation phase, while 73 other cases have been dismissed or dropped, usually due to the lack of cooperation from victims and/or witnesses. Notably, there has only been one acquittal since DOJ starting keeping statistics in 2003, the year the landmark RA 9208 went into effect.

¶4. Of these cases, trials are underway in at least five cases specifically involving RA 8042 for labor trafficking, with an additional 22 cases now under preliminary investigation. There was one conviction in a 2005 case filed under RA 8042. Legal action in at least ten of these cases began in 2006, slightly down from the sixteen cases in 2005. At least four more cases involving illegal recruitment, but under RA 9208, are in the works already in 2007 but have not yet led to the filing of charges.

¶5. Officials at the Visayan Forum Foundation, an NGO that with USG assistance runs prevention programs and operates half-way houses for victims, have commented to poloffs recently that Philippine authorities appear increasingly to recognize that an initial focus since the 2003 TIP law on prostitution cases was overly narrow, and have begun to apply much more official energy on labor-related cases as well. VFF-assisted victims are engaged in at least two legal

cases of trafficking for forced labor -- at a sugar cane plantation in Batangas province and at a poultry farm in Isabela province. Currently, the cases in which IJM prosecutors are involved in Philippine courts include one under RA 8042 and five under RA 7610. In the latter cases of child labor, IJM has already helped to win four convictions in one case, and two in yet another. IJM is also currently helping to prosecute 23 cases under RA 9208.

16. Comment: The cumbersome nature of the overburdened Philippine legal system -- notably the slowness of trials largely due to delaying tactics by defendants and the paucity of judges and prosecutors -- remains the biggest brake on the number of successful convictions in TIP cases. USAID's Rule of Law Effectiveness Program is working on systemic improvements in this domain, but more dramatic results will take time. Well-intentioned Philippine law enforcement and judicial officials remain clearly committed to bringing any and all culprits of trafficking in persons for any purpose to justice, and to cooperating even more effectively with the U.S. and other donors, as well as with local and international NGOs, to make this happen.

KENNEY